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5/1/01

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG
MAY 01 2001
Per MARY E. D'ANDREA, CLERK
DEPUTY CLERK

JEFFERY P. MOSER, :
Plaintiff, : Civil No. 1:00-CV-1846
v. : JURY TRIAL DEMANDED
KENNETH KYLER, et al., : Judge William W. Caldwell
Defendants. :

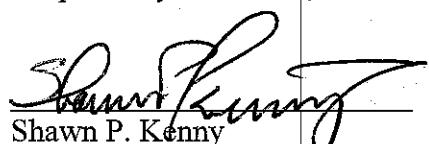
CORRECTIONS DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT

Corrections Defendants, Kenneth Kyler, Diana Baney, Dennis Erhard, Patricia Yarger, Joseph Chesney, and Linda Nauroth, hereby move this Court to dismiss the complaint for failure to state a claim upon which relief may be granted under Federal Rule of Civil Procedure (12)(b)(6), for failure to exhaust administrative remedies under 42 U.S.C. §1997e(a), and for such other grounds as set forth in the supporting brief.

WHEREFORE, Corrections Defendants respectfully request that the complaint be dismissed with prejudice.

Respectfully submitted,

By:


Shawn P. Kenny
Assistant Counsel
Attorney I.D. No. 51797
PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
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(717) 731-0444

Dated: 5/1/01

CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the below-referenced document(s) upon the person and in the manner indicated below:

Service by first class mail addressed as follows:

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Dated: 5/1/01

Re: Corrections Defendants' Motion to Dismiss Plaintiff's Complaint
USDC-MD docket no. 1:00-CV-1846

copy

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Law Clerk's Copy

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